

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RICHARD BLACK,)
)
 Plaintiff,)
)
 v.) No. 09 C 2780
)
 A TRANSPORT, et al.,)
)
 Defendants.)

MEMORANDUM ORDER

Richard Black ("Black") has used the form Complaint of Employment Discrimination made available to unrepresented plaintiffs by the Clerk of this District Court to file an action against his ex-employer or ex-employers whom he designates as "A Transport and Alamo/National Car Rental." Black has accompanied his Complaint with an In Forma Pauperis Application ("Application") through which he seeks to proceed without payment of the \$350 filing fee. This memorandum order is issued sua sponte to address a potential problem posed by Black's filings.

For a litigant to proceed in forma pauperis, he or she must show not only financial inability to pay the filing fee but also the existence of a claim that is non-“frivolous” in the legal sense (see Lee v. Clinton, 209 F.3d 1025 (7th Cir. 2000) and cases cited there). In this instance Black states in Complaint ¶7.1(b) that he has not attached a copy of his charge or charges of discrimination but that he will do so within 14 days, which means on or before May 19. What creates some added confusion

here is that Black has submitted not one but two right-to-sue letters issued by EEOC, one of which reflects dismissal of Black's charge against Alamo National Rent-A-Car on the ground that there was "No Employer/Employee Relatioship [sic]."

Under the circumstances it is too early to tell whether Black surpasses the no-frivolousness hurdle that is a precondition to the grant of in forma pauperis status. This Court will await the submission of copies of Black's original Charges of Discrimination. If they are timely filed this Court can act promptly on Black's request, but if they are not this Court will be compelled to deny the Application and dismiss this action.



Milton I. Shadur
Senior United States District Judge

Date: May 11, 2009